

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR ADMISSIONS,  
INC.,**

**Plaintiff,**

**v.**

**UNIVERSITY OF NORTH CAROLINA et  
al.,**

**Defendants.**

**MOTION TO COMPEL PRODUCTION  
OF APPLICANT DATA**

Pursuant to Federal Rules of Civil Procedure 26, 34, and 37, Plaintiff Students for Fair Admissions, Inc. (“SFFA”) respectfully moves this Court to compel Defendants (“Defendants” or “UNC”) to produce two years of applicant data from UNC’s admissions database from the 2011-12 and 2012-13 admission cycles and aggregate applicant data for the 2009-10 and 2010-11 admissions cycles. The motion is appropriate in light of the general scope of discovery under the Federal Rules, the “broad discovery” afforded in civil rights actions, *Wolfe v. Green*, 257 F.R.D. 109, 112 (S.D.W.Va. 2009), and the Supreme Court’s emphasis on the importance of eight years of “valuable data”

to assess the constitutionality of a university's decision to use race as part of the admissions process, *Fisher v. University of Texas at Austin*, 136 S. Ct. 2198, 2214 (2016).

For these reasons, and those stated more fully in the accompanying brief, SFFA respectfully requests that this Court grant SFFA's motion to compel and order UNC to produce applicant data from UNC's Electronic databases for the 2011-12 and 2012-13 admissions cycles and aggregate applicant data for the 2009-10 and 2010-11 admissions cycles.

Respectfully submitted,

/s/ Thomas R. McCarthy  
Thomas R. McCarthy  
Consovoy McCarthy PLLC  
3033 Wilson Boulevard, Suite 700  
Arlington, Virginia 22201  
(703) 243-9423  
E: tom@consovoymccarthy.com

/s/ William S. Consovoy  
William S. Consovoy  
Consovoy McCarthy PLLC  
3033 Wilson Boulevard, Suite 700  
Arlington, Virginia 22201  
(703) 243-9423  
E: will@consovoymccarthy.com

/s/ Alan M. Ruley  
Alan M. Ruley  
N.C. State Bar No. 16407  
Bell, Davis & Pitt, P.A.  
P.O. Box 21029  
Winston Salem, NC 27120-1029  
(336) 714-4147  
E: aruley@belldavispitt.com

/s/ J. Michael Connolly  
J. Michael Connolly  
Consovoy McCarthy PLLC  
3033 Wilson Boulevard, Suite 700  
Arlington, Virginia 22201  
(703) 243-9423  
E: mike@consovoymccarthy.com

*Attorneys for Plaintiffs*

Dated: May 16, 2017

### **L.R. 37.1 CERTIFICATE**

The undersigned hereby certifies that this motion was filed only after personal consultation and diligent attempts to resolve the differences. Specifically, counsel for the parties conferred about the disputed issues repeatedly since December of 2016, including teleconferences on or about December 12, 2016, March 31, 2017, and April 15, 2017, and were unable to reach an accord or narrow their differences. Participants in the teleconferences included Michael Scudder and Marianne Combs for UNC and Patrick Strawbridge and Thomas McCarthy for SFFA.

/s/ Thomas R. McCarthy  
Thomas R. McCarthy

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing pleading via the Court's electronic filing system, pursuant to the Electronic Filing Procedures, on all attorneys of record who have entered an appearance by ECF in this matter.

This the 16th day of May, 2017.

/s/ Thomas R. McCarthy  
Thomas R. McCarthy